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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,389	11/03/2003	Fardin Maxmillian Zahedi	65036-2	6345

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EXAMINER

COLLINS, DOLORES R

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/701,389	Applicant(s) ZAHEDI, FARDIN MAXMILLIAN	
	Examiner Dolores R. Collins	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Examiner acknowledges response by applicant's representative received 8/24/05. Examiner further acknowledges the corrections/clarifications made to address the issues of the first action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 as amended recites the limitation of "providing a value". There is no apparent support for this limitation in the specification

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb (719) in view of Lofink (024) and further in view of Marchesani (757).

Webb discloses a Method For Playing Blackjack With A Three Cards Poker Wager (21+3).

Regarding claim 1

Webb teaches a standard deck of cards, providing players the option to wager on Twenty-one and Poker and means for playing both games (see abstract, figure 1 & col. 3, lines 1-22). Webb teaches resolving said first player hand in accordance with predetermined rules (see claim 1). Webb fails to explicitly teach any type of modification to his deck. Lofink discloses a Blackjack Game With Modifiable Vigorish. His game teaches a standard deck with the option of adding card(s) and further teaches that his game may be modified to

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provide liberal rules (see abstract & claim 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb to include the modifications taught by Lofink to add flexibility to game play.

Although Lofink teaches a modified deck, he fails to explicitly teach revaluation as part of his modification. Marchesani (757) discloses Low/Max Card Game Method And Apparatus. Marchesani teaches, in one embodiment, the revaluing of Kings, Queens and Jacks (see [0031]). It would have been obvious to one of ordinary skill in the art to modify the method Webb to include the revaluing of cards to add excitement to game play.

Regarding claim 2

As discussed above, one of ordinary skill in the art would revalue at any selected value.

Regarding claims 3, 10, 13, 15, 17 & 19-20

Webb teaches predetermined odds (see claim 15). The specifics of the predetermination would vary depending on the desired optimum value desired by each establishment. Such would involve routine skill in the art.

Regarding claim 4

By teaching a modified deck, Lofink teaches that his deck could include 53 cards. It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify Webb to include the modifications taught by Lofink to add flexibility and excitement to game play.

Regarding claims 5-8, 11-12, 14, 16 & 18

Lofink discloses a Blackjack Game With Modifiable Vigorish. His game teaches a standard deck with the option of adding card(s) and further teaches that his game may be modified to provide liberal rules (see abstract & claim 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb to include the modifications taught by Lofink to add flexibility and excitement to game play.

Further, regarding claims 5, examiner takes official notice that in the game of Twenty-One, players have, as a matter of choice, the option to spit pairs and/or may insurance wagers or not. Regarding claim 6, Lofink in col. 4, (iii), teaches this feature. Regarding claims 7-9, examiner takes official notice that a dealer may select any value 17 or above and players may hit and receive a maximum of six cards depending on the value of the cards.

Response to Arguments

Applicant's arguments filed 8/24/05 have been fully considered but they are not persuasive. Applicant has amended the only independent claim to include a limitation that is considered new matter.

Applicant argues that Webb lacks the teachings of a poker hand being less than or equal to 21 and the re-evaluation of face cards. Examiner feels that inherent in Webb's teaching of 'resolving said first player hand in accordance with predetermined rules;' (see claim 1) is the teaching that the rules therein can be categorized as "design choice" and really can be anything or any predetermined requirement(s). Examiner further notes that Marchesani (757) teaches, in one embodiment, the revaluing of Kings, Queens and Jacks (see [0031]) and further teaches in that same paragraph that his revaluation changes with a different embodiment. Inherent in these teachings is the fact that revaluation is known in the art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dolores R. Collins** whose telephone number is **(571) 272-4421**. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Eugene Kim** can be reached on **(571) 272-4463**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).



October 28, 2005


EUGENE KIM
PRIMARY EXAMINER